

# Chapter A676

## SUBDIVISION REGULATIONS

**[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through June 1, 2015 (Ch. A203 of the 1986 Code). Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Department of Public Works — See Ch. 7, Art. IV.

Planning Board — See Ch. 19, Art. I.

Building and site development — See Ch. 270.

Fire hydrants — See Ch. 333.

Poles, wires and conduits — See Ch. 473.

Sewers — See Ch. 510.

Soil removal — See Ch. 534.

Solid waste — See Ch. 540.

Streets and sidewalks — See Ch. 551.

Water — See Ch. 608.

Wetlands — See Ch. 627.

Zoning — See Ch. 650.

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### Article I

#### General Provisions

##### § A676-1 Authority.

Under the authority vested in the Planning Board of the City of Marlborough by MGL c. 41, § 81O, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

### Article II

#### Definitions; Applicability

##### § A676-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **APPLICANT**

A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a plan believed not to require approval or a person who applies under Article V. "Applicant" shall include an owner, or his agent or representative, or his assigns.

## **BOARD**

The Planning Board of the City of Marlborough.

## **GENERAL LAWS**

(Abbreviated MGL.) The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

## **LANE**

A secondary street which serves as access to no more than eight potential dwelling units, has lot frontages averaging 150 feet or more, and is incapable of extension.

## **LOT**

An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record, and used or set aside and available for use as the site of one or more buildings and buildings accessory.

## **MUNICIPAL SERVICES**

Sewers, surface water drains, water pipes, and their respective appurtenances.

## **OWNER**

As applied to real estate, the person or persons holding the ultimate fee-simple title to a parcel, tract or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate.

## **PLAN or DEFINITIVE PLAN**

The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds and/or Land Court when approved by the Board, and such plan when approved and recorded, all as distinguished from a preliminary plan.

## **PRELIMINARY PLAN**

A plan of a proposed subdivision or a resubdivision of land prepared in accord with Article III to facilitate proper preparation of a definitive plan.

## **ROADWAY**

That portion of a way which is designed and prepared for vehicular travel.

## **STREET, SECONDARY**

A street which in the opinion of the Board is being used or will be used primarily to provide access to abutting lots.

## **STREET, MAJOR**

A street which in the opinion of the Board is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic.

## **SUBDIVISION**

- A. Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more

lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if at the time when it is made every lot within the tract so divided has frontage on: a) a public way or a way which the Clerk of the City certifies is maintained and used as a public way; or b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or c) a way in existence when the Subdivision Control Law became effective in the city in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance, if any, of said city for erection of a building on such lot.

- B. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city in which the land lies into separate lots on each of which one of such building remains standing, shall not constitute a subdivision.

## **WAY**

The entire width of the layout.

### **§ A676-3 Plan believed not to require approval.**

#### **A. Submission of plan.**

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board requests the applicant to arrange for the Engineering Department to review the plans prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.
- (2) Said plan shall contain the following information:
  - (a) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
  - (b) In the case of the creation of a new lot, remaining frontage shall be shown.
  - (c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.
  - (d) Notice of any decisions by the Zoning Board of Appeals.
  - (e) Location of all buildings.
- B. Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." The plan will be returned to the applicant, and the Planning Board shall notify the City Clerk in writing of its action.
- C. Determination that plan requires approval. If the Planning Board determines that the plan does

require approval under the Subdivision Control Law, it will so inform, in writing, the applicant and return the plan. The Planning Board will also notify the City Clerk, in writing, of its action.

- D. Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within 14 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

**§ A676-4 Definitive plan required.**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

**§ A676-5 One single-family dwelling on a lot.**

Not more than one single-family dwelling designed or available for use as such shall be erected or placed or converted to use as such on any lots in a subdivision without the consent of the Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.

**§ A676-6 Planned unit development application.**

A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary streets unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.

**§ A676-7 Adequate access.**

**A. General.**

- (1) No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.
- (2) In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.

**B. Standards of adequacy.**

- (1) Streets within a subdivision. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this section.
- (2) Ways abutting, serving or leading to a subdivision. Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in compliance with the following:

## Development Potentially Served

|                                   | 8 or Fewer Dwelling Units    | 9 to 49 Dwelling Units       | 50 or More Dwelling Units or Business or Industry |
|-----------------------------------|------------------------------|------------------------------|---|
| <b>Minimum right-of-way width</b> | N/A                          | N/A                          | 40 feet   |
| <b>Surface type</b>               | 3 inches bituminous concrete | 3 inches bituminous concrete | 3 inches bituminous concrete                      |
| <b>Minimum travelled width</b>    | 22 feet                      | 26 feet                      | 32 feet   |
| <b>Minimum site distance</b>      | 200 feet                     | 200 feet                     | 400 feet  |
| <b>Maximum grade</b>              | 12%                          | 11%                          | 9%  |

### C. Obligations.

- (1) The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in Subsection **B** above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in Subsection **B** above.
- (2) In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above.

- D. **Waivers.** The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief and Mayor that the way in fact will be sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.

### § A676-8 Fees and expenses.

To reimburse the City for the cost of plan processing and review, legal advertising, inspection and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

## Article III Submission and Approval of Plans

### § A676-9 Preliminary plan.

#### A. General.

- (1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval, by each board. The submission of such a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in

each case. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board.

- (2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board. The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.
- B. Contents. The preliminary plan shall be drawn on with pencil at a suitable scale, preferably 40 feet to the inch, and five prints of it shall be filed with the Planning Board and one print shall be filed with the Board of Health at City Hall. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:
  - (1) Major features of the land such as existing walls, fences, buildings, large trees, wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend and title "preliminary plan."
  - (2) The names of the record owner of the land and the applicant or subdivider and the name of the designer, engineer or surveyor who made the plan.
  - (3) The names of all abutters, as determined from the most recent local tax list.
  - (4) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision, in a general manner.
  - (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
  - (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
  - (7) The names, approximate location and widths of adjacent streets.
  - (8) The topography of the land with a two-foot contour interval based on the U.S. Coast and Geodetic 1929 Datum. The origin of said topography shall be noted on the plan.
  - (9) The profiles of existing grades and approximate proposed finished grades of the roadway, drain and sewer utilities.
  - (10) The water distribution system.
  - (11) Comparative impact analysis. A comparative impact analysis shall be submitted for any subdivision creating frontage potentially allowing 10 or more dwelling units and in other cases where the Board determines it appropriate in light of special circumstances. If a preliminary plan is filed, the analysis shall be submitted during the preliminary plan process. If a preliminary plan is not filed, the analysis shall be filed during the definitive plan process.
    - (a) Alternatives. The analysis shall include a minimum of two layouts, which shall be considered as alternatives. The alternative layouts shall be substantially different, practical and conform to the requirements for a preliminary plan or a definitive plan, if applicable. If the Zoning Ordinance allows flexibility in lot area or dimensions, then one of the development alternatives shall attempt to optimize the intent of said flexibility as stated in the Zoning Ordinance.
    - (b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, City Planner and Conservation

Officer regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board. After due consideration of said recommendations, the Planning Board may waive any or all the requirements for an analysis only when it is found that no useful purpose would be served thereby, as when the characteristics of the site preclude substantially different layouts, or when the applicant has provided assurance that the Planning Board's stated concerns will be met. The Planning Board may issue guidelines for the preparation of an analysis, including types of technical data that will be accepted.

- (c) Mitigation. Possible measures for mitigation shall be outlined with the preliminary plan, if the analysis is submitted during the preliminary plan. However, specific measures for mitigation do not have to be proposed until the definitive plan.
- (d) Differences. The analysis shall indicate differences between the alternatives regarding the following, unless requested otherwise by the Planning Board:
  - [1] Groundwater and surface water. Impact upon groundwater and surface water quality and level, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the development;
  - [2] Wildlife and botanical features. Material effects upon important wildlife habitats, and outstanding botanical features, including wildlife corridors, and relationships to and through adjacent properties;
  - [3] Soil and vegetation. Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability;
  - [4] Public water supply and sewerage. Impact upon City water supply and sewerage systems as existing or proposed to be improved by the developer;
  - [5] Streets and traffic. Ability of streets providing access to the subdivision to safely provide such access, including measurement of sight distance at each intersection with proposed streets, impact of development traffic on the traffic level of service, gap acceptance analysis, and analysis of hazards owing to the limited sight distances, alignment or other characteristics of access roads; and
  - [6] Recreation, open space and scenic values. Difference in potential recreation for residents of the site and general public. Impact upon open space preservation and values, including trail connections and scenic views from outside and inside the site and across the site.
- (e) Decision. The Planning Board shall determine and indicate to the applicant which layout is preferred during the preliminary plan process or, alternatively, the Board may defer its determination until the definitive plan process when further information may be submitted or required.
- C. Approval. The Planning Board, preferably with the advice of the Board of Health, may give such preliminary plan approval, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the definitive plan. One copy of the preliminary plan will be returned to the subdivider.

**§ A676-10 Definitive plan.**

- A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
  - (1) An original drawing of the definitive plan, dark line on white background. The original drawing will be returned after approval or disapproval.
  - (2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the

subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed or portions thereof within two years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

(3) (Reserved)

(4) Comparative impact analysis. Submit all information required under § A676-10B(11) if a preliminary plan has not been filed. The applicant is encouraged to prepare and submit a preliminary plan including the comparative impact analysis during the preliminary plan process instead of the definitive plan process. If the analysis was submitted at the preliminary plan stage, the Planning Board may require the applicant, or the applicant may submit on his own initiative, further information on said analysis which is necessary for purposes of reaching a determination as to the impact of the proposal and the selection of the preferred alternative layout by the Planning Board.

B. Contents.

- (1) The definitive plan shall be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink upon tracing cloth or single matte three mil. mylar. The plan shall be at a scale of one inch equals 40 feet, or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall refer to the USGS 1929 Datum. Sheet sizes shall be 24 inches by 36 inches including a one-inch border. There shall be an index sheet at a scale of one inch equals 100 feet, showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers.
- (2) The definitive plan shall contain the following information:
  - (a) A title stating the date, scale, bench mark, North point, name and address of the record owner of the land, name and address of petitioner and of surveyor, name of proposed subdivision of land, if any, names of proposed streets and zoning classification and zoning district lines, if any, within the locus of the plan.
  - (b) Location and ownership of abutting property as it appears in the most recent tax list.
  - (c) Land abutting any limited access or controlled access highways shall show the words, "No Access," wherever applicable.
  - (d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a botanist.
  - (e) Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the City Engineer.
  - (f) Sufficient data to determine the location, direction and length of every street and way line, lot line



and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines, including lot frontage on the streets, or the boundary lines of all streets and easements, and the length, radii, agents and control angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and areas of adjoining land of applicant not included in the subdivision will be shown.

- (g) Location of all permanent monuments properly identified as to whether existing or proposed.
- (h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.
- (i) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision.
- (j) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land.
- (k) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).
- (l) Existing profiles on the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and vertical scale of one inch equals four feet or such scale acceptable to the Planning Board. At least two bench marks are to be shown on plans and profiles, and grade elevations at every fifty-foot station, except in vertical curves, which shall be at every twenty-five-foot station. All existing and proposed intersections shall be shown with all proposed grade elevations calculated. Elevations shall refer to NGVD datum only. Gradient shall be shown by figures expressed in percent.
- (m) Size and location of existing and proposed water supply (mains and their appurtenances); size and location of all underground conduit and appurtenances; hydrants, sewer pipes and their appurtenances and/or sewage disposal systems; streetlight locations; storm drains and their appurtenances, and easements pertinent thereto and dimensions of gutters, including data on springs and percolation tests made, and method of carrying water to nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the petitioner or subdivider, the latter shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Commissioner of Public Works or the owner of adjacent property that such discharge is permitted by public or private ownership of adjacent street or property.
- (n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer.
- (o) Location and species of proposed trees and trees to be retained with trunks over four inches in diameter, measured 12 inches above the finished ground level, located within 20 feet of the street right-of-way line of existing or proposed streets.
- (p) Cross sections typical of each street or roadway to be constructed.
- (q) Location of proposed sidewalks.
- (r) In tabular form, as follows, for each sheet of the subdivision plans, as submitted:

- [1] The area which is being subdivided on each sheet.
- [2] The total area of lots included on each sheet.
- [3] The area dedicated for street purposes, drainage, sewer or utility easements on each sheet.
- [4] The areas reserved for parks, schools, etc. on each sheet.

SUBDIVISION NAME: \_\_\_\_\_

SHEET NO. \_\_\_\_\_

- (1) Total area of original tract shown on this plan equals \_\_\_\_\_.
  - (a) Area in lots Nos. 1, 2, 3, etc. equals \_\_\_\_\_.
  - (b) Area in streets A-B-C equals \_\_\_\_\_.
  - (c) Area in easements equals \_\_\_\_\_.
  - (d) Area reserved for parks, schools, etc. equals \_\_\_\_\_.

Total area of subdivision equals \_\_\_\_\_.

[Should equal (1) above.]

- (2) Streets:
  - A Street Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_.
  - B Street Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_.
  - C Street Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_.

Total area of streets equals \_\_\_\_\_.

[Should equal (1)(b) above.]

- (3) Easements:
  - Sewer Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_.
  - Drainage Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_
  - Utility Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_

Total area of easements equals \_\_\_\_\_

[Should equal (1)(c) above.]

- (4) Other Areas:

Park area (locate) \_\_\_\_\_ equals \_\_\_\_\_.

School area (locate) \_\_\_\_\_ equals \_\_\_\_\_.

Other (define and locate) \_\_\_\_\_ equals \_\_\_\_\_.

Total remaining area equals \_\_\_\_\_.

[Should equal (1)(d) above.]

- (3) A grading plan with two-foot contour intervals depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to NGVD. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.
- C. Review by Board of Health as to suitability of the land. At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two contact prints of the definitive plan, dark line on white background. The Board of Health shall, within 45 days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and/or the Commissioner of Public Works.
- D. Review by other City officials.
  - (1) The Clerk of the Planning Board will transmit copies of the definitive plan to City officials other than the Board of Health as follows:
    - (2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, the City Planner, the Fire Chief and the Conservation Officer.
    - (3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):
      - (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
      - (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
      - (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
      - (d) (Reserved)
- E. Soil survey. Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.
- F. Public hearing.
  - (1) Before taking any action to approve, modify and approve, or disapprove a definitive plan, the

Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, or if there is no such newspaper in such City, then by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. Notice shall also be provided to property owners within 500 feet of the subdivision.

- (2) The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final plan submitted by the petitioner will be that as set forth in MGL c. 41, § 81U, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations, zoning ordinances, general ordinances, departmental regulations of the Commissioner of Public Works and the Board of Health, and other laws pertaining thereto.
  - (3) Before final approval of the plan, the subdivider or petitioner shall comply with all reasonable regulations and rules of the Commissioner of Public Works and the Board of Health. Specific reference is made to the specifications for septic tanks which shall conform with the rules and regulations of the Board of Health.
  - (4) Before final approval of the plan, the subdivider or petitioner shall see to it that lots in a definitive or final plan be in conformity with the existing zoning ordinances, and failure of the lots to so comply will be adequate grounds for disapproval of the final or definitive plan. See MGL c. 41, § 81Q, and amendments thereto. The Board may, as a condition of granting a permit under § 81Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.
- G. Performance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.
- (1) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G(2) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond.
  - (2) Approval with covenant.
    - (a) The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G(1) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.
    - (b) The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.
- H. Adjustment of bond surety. The penal sum of any such bond or the amount of any deposit held under Subsection G(1) above may from time to time be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part to a minimum of 10% of the total

costs to complete the required improvements specified in Article V. Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G(I) above may be increased by the Planning Board. Any reduction of increase hereunder shall be authorized pursuant to a recalculation to be done by the DPW's Engineering Division, of the amount then remaining in the applicable bond or deposit, said recalculation to be done on an annual basis for the costs of the work within a subdivision remaining to be completed. Said costs shall be the costs necessary to complete the required improvements as determined by the DPE's Engineering Division at the time of each such recalculation. (amended 5-1-15)

H1/4. Deeding of developers legal interests to City. Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if an. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City. (amended 5-1-15)

H1/2. Required remedial action after lapse of time. If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has installed the top course., the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division, including but not limited to patching and crack sealing the pavement, or in more acute situations, reclaiming the reconstructing the subdivision road. The cost of any such remedial action would be added to the annual recalculation, to be done by the DPW's Engineering Division pursuant to A676-10.0. If a developer fails to take remedial action required by the Board, the Board is authorized to rescind or modify the definitive subdivision approval. (amended 5-1-15)

I. Release of performance guarantee.

(1) Upon the completion of improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail to the City Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Article V, such statement to contain the address of the applicant, and the City Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has been completed, it shall notify the City Treasurer in writing that it releases the interest of the City in such bond or deposit and that such bond or deposit shall be returned to the person or persons who furnished the same, or in the case of covenant, it shall issue a written release of the covenant suitable for recording. However, 10% of the total costs to complete the required improvements specified in Article V shall be held by the City for one year after completion of construction or until the streets are accepted by the City, whichever comes first. The total costs shall be those costs necessary to complete the required improvements at the time release is applied for.

(2) Release of performance guarantee. The Planning Board shall request the Commissioner of Public Works, approximately 60 days before the expiration of the year, to make an inspection of said street or way or portion thereof to determine whether or not defects have developed therein, and to make his recommendation to the Board as to whether or not it should recommend same to the City Council for the laying out of said street or way or portion thereof as a public way. Such recommendation may be in the affirmative if the Commissioner has determined that:

a) the subdivision road(s) and subdivision infrastructure were built in full compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the

definitive subdivision plan; and

b) the condition of the subdivision road(s) and subdivision infrastructure was acceptable at the end of the one-year maintenance period.

If the recommendation is in the affirmative, the Board shall so recommend to the City Council forthwith, including in such recommendation, notification that the year for which the developer is responsible for the maintenance of said way or portion thereof will expire on a certain date and said way should be laid out as a public way and the maintenance of same to become the responsibility of the City. (amended 5-1-15)

- (3) Upon the expiration of the year for which the developer is responsible for maintenance of said way, and said developer has complied with all the requirements of the Planning Board Rules and Regulations in accordance with an inspection report of said way from the Commissioner of Public Works, and the Board has recommended to the City Council that said way should be laid out as a public way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the developer.
- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval or 15 days shall elapse after the request for said approval without action:
  - (a) From the Commissioner of Public Works as to construction of all ways and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and drainage, and planting and seeding.
  - (b) From the Board of Health as to the installation of sewage disposal facilities, if applicable, and adequate lot drainage.
  - (c) From the Commissioner of Public Works as to construction and installation of water and sewer facilities.
- (5) If the Planning Board determines that said construction or installation has not been completed or does not receive the above written statements of approval, it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained under Article V. Upon failure of the Planning Board to act on such application within 45 days after the receipt of the application by the City Clerk, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- J. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan as been approved and endorsed, the Planning Board shall return the original to the applicant.
- (1) The Planning Board may agree to an extension of the minimum time normally required for action

following submission of a definitive plan and action thereon, upon the written request of the applicant.

- (2) Approval of the definitive plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.
- K. Decision. After the public hearing, the Board in due course will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:
  - (1) Completeness and technical adequacy of all submissions;
  - (2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation;
  - (3) Conformity with the requirements of Article **IV**;
  - (4) Determination and selection of preferred plan, based upon alternatives presented in the comprehensive impact analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for;
  - (5) Determination that access to the subdivision is adequate, as provided in § **A676-8**;
  - (6) Conformity with all applicable zoning requirements; and
  - (7) Consistency with the purposes of the Subdivision Control Law.

## Article IV Design Standards

### § A676-11 **Design guidelines.**

- A. All subdivisions shall be designed and improvements made by the developer consistent with the requirements of Article **IV**.
- B. In addition, design and construction shall accomplish the following:
  - (1) Reduce, to the extent reasonably possible:
    - (a) Volume of cut and fill;
    - (b) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream or having a slope of more than 15%;
    - (c) Number of mature trees removed;
    - (d) Extent of waterways altered or relocated;
    - (e) Erosion and siltation;
    - (f) Flood damage;
    - (g) Number of driveways exiting onto existing streets or ways rather than onto newly built or proposed subdivision roadways;

- (h) Disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs; and
- (i) Impact on water and sewer facility's ability to service other development in the City.
- (2) Increase, to the extent reasonably possible:
  - (a) Vehicular use of collector streets to void traffic on streets providing house frontages;
  - (b) Legal and physical protection of views from public ways;
  - (c) Street layout facilitating south orientation of houses; and
  - (d) Use of curvilinear street patterns.

§ A676-12 **Streets.**

A. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the Rules and Regulations of the Commissioner of Public Works.
- (2) The proposed streets shall conform, so far as practicable, to any existing plans of the Planning Board and, when adopted by the Planning Board, to the Master or Study Plan or parts thereof adopted.
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.

B. Alignment.

- (1) Street jogs with center-line offsets of less than 150 feet shall be avoided whenever practicable.
- (2) The minimum center-line radii of curved streets shall be as follows:
  - (a) Lanes: 125 feet.
  - (b) Other secondary streets: 150 feet.
  - (c) Major streets: 350 feet.
- (3) A center-line tangent section at least 150 feet in length shall separate all reverse curves on major streets and any reverse curves on secondary streets where the sum of their center-line radii is less than 500 feet.
- (4) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (5) Property lines at street intersections shall have a radius equal to 30 feet at intersections involving a major street and 25 feet at other intersections.
- (6) Streets shall be laid out so as to intersect at intervals which will permit block size to be in a range of 600 feet to 1,200 feet in length, unless otherwise specified by the Planning Board. In lieu of actual



construction of a cross street, in special instances the Planning Board may approve an easement for a future street.

C. Width.

- (1) The minimum width of rights-of-way shall be as follows:
  - (a) Secondary streets: 50 feet.
  - (b) Major streets and such secondary streets which in the judgement of the Planning Board may in the future be changed in character to become a major street: 60 feet.
- (2) When a secondary street will provide the only access for lots fronting on a length in excess of 500 feet or where on a major street potential volume is such to warrant it, the Planning Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.

D. Grade.

- (1) The center-line gradient for any street shall not be less than 1%.
- (2) The maximum center-line grade for streets shall be as follows:
  - (a) Lane: 10%.
  - (b) Other secondary street: 8%.
  - (c) Major street: 5%.
- (3) Where changes in grade exceed 1%, reasonable vertical curves, as required by the Commissioner of Public Works, will be provided, and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided a levelling area of at least 75 feet with a maximum grade of 3%. The horizontal tangent distance between any two reverse vertical curves shall be a minimum of 100 feet.
- (4) Vertical curves shall be a minimum of 100 feet in horizontal length and provide for a minimum sight distance of 200 feet.

E. Dead-end streets.

- (1) Dead-end streets shall not be longer than 500 feet unless provided with a divided roadway [see Subsection C(2) above] or unless, in the opinion of the Planning Board, such a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of 120 feet for a major street and 100 feet for a secondary street, unless otherwise specified by the Planning Board.
- (3) The slope of the road shall not exceed 3% beyond a point 75 feet before the radius point of the turnaround area.

§ A676-13 **Curb cuts.**

- A. Driveways shall be minimum of 10 feet and a maximum of 24 feet in width and have a curb return at the edge of travelled way of three-foot radius.
- B. Driveways to service the individual building lots shall comply with the applicable provisions of the

City Code.

- C. Wheelchair ramps shall be provided as shown in Appendix I of this chapter. (amended 5-1-15)

**§ A676-14 Easements.**

- A. Easements for utilities carrying underground wires, where required, or for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 30 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width and proper side slope.
- C. Access to park and conservation land owned by the City shall be provided, if required by the Planning Board, and shall be at least 40 feet wide.
- D. Any and all easements to be accepted by the City shall be bounded at all P.C.s, P.T.s and angle points prior to acceptance by the City of Marlborough.
- E. Whenever an easement line intersects a lot line or street layout line, distances shall be shown relative to lot corners or P.C.s and P.T.s.

**§ A676-15 Open space.**

- A. Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. Each such area shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. All areas to be reserved for park and/or playground purposes shall contain not less than one acre or shall be part of a similar area in an adjoining subdivision so that the total area is not less than one acre. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than 10% of the gross area of this subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board.
- B. The Planning Board may, unless the applicant has not previously agreed to dedicate the park or parks to the City or other entity such as a homeowners' association, require by appropriate endorsement on the plan that no building shall be erected upon such park or parks without its approval until the expiration of a period of two years following the completion of the subdivision roadways and utilities, or until the occupancy of the subdivision shall have occurred in dwellings on at least 2/3 of the lots in the subdivision, whichever date occurs last. The applicant shall then promptly notify by mail the Planning Board, Conservation Commission, Recreation Commission, Mayor and the occupants of all homes in the subdivision as follows:

"You are hereby notified that the site required to be set aside by the Planning Board as a park or recreation area in this subdivision is available for purchase by the City or others and, if not purchased within six months, must be released by the Planning Board for the developer's use for a new building on the site. You may contact the Planning Board on this matter for more information."

- C. A plan of the entire subdivision showing the proposed location of the park shall be sent by the applicant with each notification.

**§ A676-16 Protection of natural features.**

Due regard shall be shown for all natural features, such as large trees, wooded areas, watercourses, scenic

points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed.

**§ A676-17 Lot drainage.**

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with specifications of the Commissioner of Public Works.

**§ A676-18 Fire alarms.**

(Reserved)

**§ A676-19 Fire hydrants.**

Hydrants shall be provided every 500 running feet on one side of each street unless a greater distance is approved by the Commissioner of Public Works in writing. They shall be a style approved both by the Fire Chief, the Commissioner of Public Works and the American Insurance Association.

**§ A676-20 Sidewalks, grass plots, trees.**

See cross sections in Appendix F.

**§ A676-21 Streetlights.**

Streetlighting shall be provided for each subdivision street and shall be such as to give the equivalent of not less than 4,000 lumens of light installed at intervals of 350 feet unless otherwise specified by the Planning Board.

**§ A676-22 Alternative standards.**

- A. Applicants may request that their land be developed under alternative standards. To qualify, the subdivision must be limited to no more than  $\frac{2}{3}$  the number of lots which could be created on the same parcel under the then-current zoning requirements to be assured through restrictions preventing subsequent redivision. The alternative standards may be as follows:
- (1) Pavement width may be four feet narrower than otherwise required;
  - (2) Center-line radii may be 25 feet shorter than otherwise required;
  - (3) Street grades may be 1% steeper than otherwise required;
  - (4) A sloping "Cape Cod berm" of four inches by 12 inches may be used in lieu of curbing; and
  - (5) Sidewalks may be required only if they can be connected with existing sidewalks on streets by which the subdivision is reached.
- B. The Planning Board may approve development under alternative standards in cases where, in the opinion of the Planning Board, the density reduction provides substantial benefit to City objectives, and the use of alternative standards is consistent with sound planning and engineering practice.

## Article V

### Required Improvements for an Approved Subdivision

**§ A676-23 General.**

- A. No street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the standard cross section (see Appendix F), street layout plan, profile and the following: (amended 5-1-15)
- B. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the most recent editions of the following: Commonwealth of Massachusetts

Department of Public Works' Standard Specifications for Highways and Bridges, hereinafter referred to as the "Standard Specifications," as amended; the Commonwealth of Massachusetts Construction Manual, Construction Standards and the special provisions included hereinafter.

- C. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid Standard Specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
- D. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- E. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

## **COMMONWEALTH**

City of Marlborough.

## **DEPARTMENT**

Department of Public Works, City of Marlborough.

## **ENGINEER**

The Commissioner of Public Works of the City of Marlborough, acting directly or through an authorized representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required is as shown approximately upon approved plans and, in compliance with the standard cross section plans, stakes shall be set which will indicate the exact amount of cut or fill.
- G. As each construction operation is completed; it shall be approved by the Engineer previous to starting work in the succeeding operation.
- H. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the City of Marlborough, The developer shall have prepared and certified by a registered land surveyor a "plan of acceptance" drawn with India ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.
- (1) A blank space four inches by eight inches shall be provided on the lower right-hand corner on the plan for a title block to be filled in by the City Engineer. The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan," and it shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the City Engineer.
- I. The developer will have the original plans and profiles that were submitted to the Planning Board and that are on file in the City Engineer's office corrected and certified by his Engineer to show the actual as-built locations and grades of all utilities and roadway profile and any changes authorized by the Planning Board. This will be done in a manner approved by the City Engineer.

## **§ A676-24 Street and roadway.**

- A. The roadway shall be graded and prepared for pavement as follows:

- (1) 101. Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
- (2) 120. Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.
- (3) 150. When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
- (4) 170. The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
- (4<sup>1/2</sup>) A layer of geotextile fabric shall be installed beneath the gravel base specified in A676-24.A(5).(amended 5-1-15)
- (5) 405. Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonable close conformity with the lines and grades shown on the plans or established by the Engineer.
- (6) 405.60. The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
- (a) The gravel shall be compacted and placed to the tolerance as stipulated in Section 401, Gravel or crushed stone subbase.
- (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in Subsection 7.13.
- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in § **A676-13B** above.
- (1) The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum center line radius for a paved width less than 32 feet shall be 350 feet. (amended 5-1-15)
- (2) The minimum width of roadways shall be as follows:
  - (a) Lanes: 26 feet.
  - (b) Other secondary streets: 32 feet.
  - (c) Major streets, residential: 38 feet; industrial and commercial: 44 feet.
- C. The wearing surface of roadways shall be of Class 1 bituminous concrete pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two courses with a final pavement depth after rolling of four inches upon the prepared surface and in conformity with lines, grades and typical cross section shown on plans. Material and construction methods shall conform to all other

requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30 of any year nor after November 1 of any year without written permission of the City Engineer.

- D. Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the City Engineer. Where terrain necessitates greater slopes, retaining wall, terracing, fencing or riprap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with the Planning Board and approved by the City Engineer. The subdivider must furnish to the City duly recorded access easements for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.
- E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the Planning Board.

§ A676-25 **Utilities.**

- A. 140. Excavation for structures including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on plans or established by the Engineer. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the City Engineer.
- B. 200. All drain, sewer, gas and water pipes and other structures shall be installed upon the completion of roadway subgrade and before the placing of the subbase, gravel base course, sidewalks or pavement.
  - (1) Sewer and water mains shall be installed in accordance with the ordinances of the City of Marlborough. Gravity sewer and drain lines shall be designed with a minimum slope of 1% and a maximum slope of 9%.
  - (2) Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board.
- C. 200, 220, 230. Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 and shall be built on both sides of the roadway at intervals not to exceed 300 feet, unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut.
  - (1) The standard depth of catch basins shall be two feet six inches below invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.
  - (2) Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved definitive plan.
- D. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.
- E. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by

continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

§ A676-26 **Sidewalks, curbs and gutters.**

- A. Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street and shall be of the following minimum widths:
  - (1) Along secondary streets: six feet including curb.
  - (2) Along major streets: six feet including curb.
- B. 700. Bituminous concrete sidewalks having a minimum thickness of two inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications. The sidewalk shall be constructed with a vertical granite curbing as approved by the Commissioner of Public Works. (amended 5-1-15)
- C. 700. If desired, granolithic sidewalks shall be constructed as directed by the Engineer in conformity with this section of the Standard Specifications.

§ A676-27 **Grass plots.**

- A. Grass plots on secondary road layouts may not be permitted.
- B. Grass plots on major roads or secondary roads (based on sixty-foot layout) may be permitted if desired by the Planning Board.
- C. Grass plots on secondary roads, fifty-foot layout, in PUD developments which are to be privately maintained may be permitted if desired by the Planning Board.

§ A676-28 **Trees.**

- A. Street trees of a species approved by the City Forester shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper.
- B. The subdivider shall plant other trees as needed to provide at least two areas of shade to each lot.
- C. Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.

§ A676-29 **Monuments.**

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets along all easements as described in § **A676-14D**, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
- B. Monuments shall be standard permanent granite, six inches by six inches by four feet, with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set flush with the final grade surface.

§ A676-30 **Street signs and names.**

- A. Street signs shall be installed at each intersection to conform to the standard established by the Commissioner of Public Works.
- B. Street names shall be approved by the City Engineer to prevent duplication and to provide names in keeping with the character of the City.

§ A676-31 **Streetlights.**

- A. Streetlights shall be installed in all subdivisions by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon.

§ A676-32 **Fire alarm system.**

(Reserved)

§ A676-33 **Underground lines.**

Telephone and electric lines and service connections shall be installed underground in accord with the procedure required by the Commissioner of Public Works.

§ A676-34 **Cable television.**

Cable television shall be installed in accordance with the requirements of the Commissioner of Public Works to serve all lots within the proposed subdivision.

§ A676-35 **Signage.**

Regulatory and warning signs shall be installed in accordance with the requirements of the City Engineer.

§ A676-36 **Guardrails.**

Guardrails shall be provided at the locations designated by the City Engineer.

§ A676-37 **Mailboxes.**

Mailboxes shall be installed in accordance with Appendix J.

## Article VI Administration

§ A676-38 **Variation.**

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

§ A676-39 **Reference.**

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

§ A676-40 **Building permit.**

- A. No building shall be erected within a subdivision without written release from the Planning Board.
- B. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under MGL c. 41, § 81X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, that the Building Inspector is satisfied that such consent has been obtained; MGL c. 41, § 81Y, and amendments thereto.

§ A676-41 **Inspections.**

- A. Inspections shall be arranged for by the subdivider with the proper City official for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City official, and a copy of each request shall be sent to the Clerk of the Planning Board.



C. Inspection shall be for the following:

- (1) Satisfactory excavating;
- (2) Satisfactory filling;
- (3) Satisfactory compacting;
- (4) Satisfactory completion of the pavement;
- (5) Satisfactory finish grading of grass plots;
- (6) Satisfactory placing of curbs and gutters;
- (7) Satisfactory construction of sidewalks;
- (8) Satisfactory installation of sanitary sewers and related equipment or on site disposal systems;
- (9) Satisfactory installation of water mains and appurtenances;
- (10) Satisfactory installation of surface and subsurface drainage system and related equipment; and
- (11) Satisfactory installation of monuments.

D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.

E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

**§ A676-42 Validity.**

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.